

SUMMARY

Thesis: SELECTED ISSUES OF PUBLIC PROCUREMENT

My thesis concerns selected issues of public procurement procedure which is codified in the Act no. 137/2006 Coll., on Public Procurement. The reason why I chose the topic is that I consider public procurement as a very interesting branch of law, in which the public sector cooperates with business. Compliance with public procurement rules in my opinion contributes to prevent the corruption and other fraudulent practices. To achieve this goal, new European public procurement directives were adopted by Czech legislator.

The main purpose of the thesis is to analyse legal regulation in the field of personal application of the Act on Public Procurement and to analyse exempts from the operation of this Act. Very important method of my work is comparation of the Czech way of adopting the European directives with the German way. I often use Czech and European judicature and commentaries to demonstrate the correct interpretation of the relevant provisions.

The thesis is divided into four chapters. The first chapter contains introduction to the relevant issues, historic development of public procurement in the Czech republic, list of laws and regulations in force, basic principles of the Act and explanation of other relevant provisions concerning the issues.

The second chapter is focused on the personal application of the Act. I try to define substantial signs of contracting bodies, mainly the conception of „body governed by public law“. This part deals with many judgments of the European Court of Justice. I also mention another types of contracting bodies, namely subsidised contracting entity and utilities contracting entity. I compare all three types, emphasizing weaknesses of regulation.

Another aspect of the thesis is operation of the Act and expectations thereof. In the chapter three I assess recent European directive in the fields of defence and security and its potential adoption into Czech legal system. Consequently, I focus on „in-house“ contracts in the Czech republic. I suggest some solutions to secure transparency and non-discrimination regarding this point.

The fourth chapter contains conclusions of the thesis. It includes some recommendations to be made in legislation and final comparison of Czech and German public procurement regulation.